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BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, DC 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In re Applications of	)	MM Docket No. 93-94
	)	
Scripps Howard Broadcasting	)	FCC File No. BRCT-910603KX
Company	)	
	)	
For Renewal of License of	)	
Station WMAR-TV,	)	
Baltimore, Maryland	)	
	)	
and	)	
	)	
Four Jacks Broadcasting, Inc.	)	FCC File No. BPCT-910903KE
	)	
For a Construction Permit	)	
For a New Television	)	
Facility on Channel 2 in	)	
Baltimore, Maryland	)	

TO: The Honorable Richard L. Sippel  
Presiding Administrative Law Judge

**MOTION TO REOPEN THE RECORD FOR THE RECEIPT  
OF NEW EVIDENCE RELEVANT TO DIVERSIFICATION**

Scripps Howard Broadcasting Company ("Scripps Howard"), through counsel, hereby requests that the Presiding Judge reopen the record for the purpose of receiving into evidence materials filed by the Sinclair Broadcast Group, Inc. ("Sinclair") with the Securities and Exchange Commission ("SEC") on June 8, 1994. See attached Proposed SH Exhibit 35. The June 8, 1994 filing should be received into evidence because it is new evidence relevant to the extent to which Four Jacks Broadcasting, Inc. ("Four Jacks") should receive comparative credit for diversification.

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1. Sinclair is a holding company that is wholly owned by the principals of Four Jacks. Sinclair currently owns three television stations and has recently acquired two additional television stations. See Proposed SH Exhibit 35. David Smith, Robert Smith, and Frederick Smith are now all currently employed as officers and directors of Sinclair. Transcript, at 1073-74 (David Smith), 1239 (Robert Smith); 1296 (Frederick Smith). Four Jacks recently sought permission to amend its application to report the new station ownership interests. See Petition for Leave to Amend, filed by Four Jacks (filed June 17, 1994).

2. The June 8, 1994 Sinclair SEC filing confirms that Sinclair has entered into a Programming Services Agreement ("PSA") with the principals of ABRY Communications, L.P. ("ABRY"),<sup>1</sup> which provides Sinclair the right to broadcast programming on WNUV-TV.<sup>2</sup> The June 8, 1994 filing does not specify how many hours of programming Sinclair will provide to WNUV. Based on an earlier Sinclair proposed PSA for WNUV, however, it appears that Sinclair will have the right to program substantially all of WNUV's

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<sup>1</sup> It is not clear whether the PSA is with ABRY or BVC Communications, Inc., a subsidiary of ABRY. See Proposed SH Exhibit 35.

<sup>2</sup> The June 8, 1994 filing is a further amendment to the SEC Form S-1 Registration Statement originally filed by Sinclair on September 28, 1993. The September 28, 1993 filing, and other iterations of that document, have already been received as evidence in this case. See SH Exhibits 28, 31, 33, 34.

broadcast time.<sup>3</sup> WNUV-TV is located in Baltimore, Maryland, and is therefore in the same market as WMAR.

3. Sinclair's PSA with WNUV is a cognizable media interest under the Commission's policies because the PSA would undermine the objectives of diversification, i.e. "maximizing available program services and viewpoints and preventing any undue concentration of economic power contrary to the public interest." Ronald Sorenson, 5 F.C.C. Rcd 3144, 3147, ¶ 15 (Rev. Bd. 1990) (internal citation omitted), modified on other grounds, 6 F.C.C. Rcd 1952 (1991), recon. denied, 6 F.C.C. Rcd 6901 (1991). The WNUV PSA undermines the objectives of diversification because it would permit the principals of Four Jacks, through Sinclair and Four Jacks, to control the programming of WNUV and WMAR, two previously independent television stations in the same market.

4. Furthermore, Four Jacks should have filed an amendment to its application pursuant to Rule Section 1.65, given that the PSA with WNUV affects Sinclair's diversification status. See 47 C.F.R. § 1.65 (requiring the filing of an amendment within 30 days for any substantial change as to any matter that may be of decisional significance). Such an amendment should have been filed within 30 days of the PSA on May 24, 1994, the date of the agreement

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<sup>3</sup> An application for the assignment of the license of WNUV from ABRY to Glencairn Ltd. ("Glencairn") was filed in August 1993; the application was later withdrawn by Glencairn. See Application for Consent to Assignment of WNUV-TV, filed August 16, 1993, FCC File No. BALCT-930816KS. Under a previously proposed PSA between Sinclair and Glencairn regarding WNUV, Sinclair would, with the payment of an hourly fee, "obtain the right to program and sell advertising on substantially all of the station['s] inventory of broadcast time." See SH Exhibit 31 at 19; SH Exhibit 33 at 21.

according to Sinclair's June 8, 1994 SEC filing. See id., § 1.65(a).

5. Scripps Howard had earlier requested to explore all the existing and proposed television programming arrangements involving the Four Jacks' principals. See Order, FCC 93M-671 (released October 22, 1993) ("Order"). The Presiding Judge denied the request, noting that the argument was "too speculative" absent information regarding the nature and extent of the programming and the proximity of that programming to the Baltimore market. Order, at 2, n.2. The Presiding Judge's prior Order does not, however, bar the assessment of a diversification demerit now because Sinclair's PSA with WNUV has now been realized and the details regarding the PSA are no longer speculative.<sup>4</sup>

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<sup>4</sup> Scripps Howard also urges that Sinclair's PSA with WNUV constitutes a cognizable ownership interest in the Baltimore, MD market. In radio, programming another station in the market for over 15% of its broadcast time is, for multiple ownership purposes, equivalent to having an attributable ownership interest in that station. While the Commission has not yet announced rules for local programming agreements in television, it is likely that the Commission will hold that a television programming agreement, such as Sinclair's PSA with WNUV, is an ownership interests. See Notice of Proposed Rulemaking, Review of Regulations Governing Television Broadcasting, 7 F.C.C. Rcd 4111 (1992).

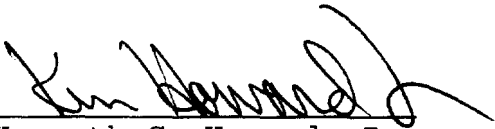
In his prior Order, the Presiding Judge rejected this argument, noting that the Commission has not yet addressed the impact of the multiple ownership rules on local marketing arrangements in television. Order, at 2. Scripps Howard recognizes that the Commission still has not addressed the multiple ownership rules in this context but it seeks to ensure that the record accurately reflects the scope of Four Jacks' media interests.

6. Finally, the June 8, 1994 Sinclair SEC filing meets the Commission's standards for evidence justifying the reopening of the record because it is new evidence of decisional significance that could not have been discovered earlier. See Frank Digesu, Sr., 7 F.C.C. Rcd 5459, 5461 & n.7 (1992); Omaha TV 15, Inc., 4 F.C.C. Rcd 730, 730-31 ¶ 6 (1988); News-Sun Broadcasting Co., 27 F.C.C. 2d 61 (1971).

WHEREFORE, Scripps Howard Broadcasting Company requests that its Motion to Reopen the Record for the Receipt of New Information Relevant to Diversification be granted.

Respectfully submitted,

Scripps Howard  
Broadcasting Company

By:   
Kenneth C. Howard, Jr.  
Leonard C. Greenebaum  
Sean H. Lane

Its Attorneys

BAKER & HOSTETLER  
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Date: June 27, 1994

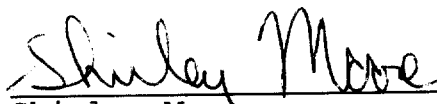
Certificate of Service

I, Shirley Moore, a secretary in the law offices of Baker & Hostetler, hereby certify that I have caused copies of the foregoing "Motion to Reopen the Record for the Receipt of New Evidence Relevant to Diversification" to be sent this 27th day of June, 1994, via United States First Class Mail, postage prepaid, to the following:

The Honorable Richard L. Sippel\*  
Presiding Administrative Law Judge  
Federal Communications Commission  
2000 L Street, N.W.  
Room 218  
Washington, DC 20554

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\_\_\_\_\_  
Shirley Moore

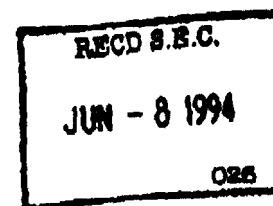
\* By Hand

**SECURITIES AND EXCHANGE COMMISSION**  
WASHINGTON, D.C. 20549

**FORM 8-K**

Current Report

Pursuant to Section 13 or 15(d) of the  
Securities Exchange Act of 1934



May 24, 1994  
(Date of earliest event reported)

**SINCLAIR BROADCAST GROUP, INC.**  
(Exact name of Registrant as specified in its charter)

Maryland  
(State of incorporation)

33-69482  
(Commission File Number)

52-1494660  
(IRS Employer  
Identification Number)

2000 W. 41st Street, Baltimore, Maryland  
(Address of principal executive offices)

21211-1420  
(Zip code)

Registrant's telephone number, including area code:

(410) 467-4545

Item 8. Acquisition or Disposition of Assets

On May 24, 1994, the Registrant acquired the operating assets of television stations WTTO, Birmingham, Alabama and WQGV, Milwaukee, Wisconsin for an aggregate purchase price of approximately \$60,000,000 from EEM Partners, L.P. In addition, the Registrant acquired the non-license assets of WVTM, Milwaukee, Wisconsin and entered into a Purchase Option Agreement relating to the license assets of WVTM for approximately \$38,895,000. The Registrant entered into a Program Services Agreement (PSA) that provides for the right to broadcast programming on WVTM. The Registrant also acquired the stock and partnership interests of WNUV, Baltimore, Maryland, following the transfer of the license assets of WNUV to BVC Communications, Inc. (BVC). The stock was liquidated, the partnership interests were terminated and the assets are now owned by the Registrant's subsidiary, Chesapeake Television, Inc. The Registrant also entered into a Purchase Option Agreement with BVC that provides for the purchase of the license assets of BVC. The Registrant entered into a PSA with respect to WNUV. Total consideration for the WNUV transaction was approximately \$46,900,000. The Registrant also entered into a combination of non-compete and consulting agreements with the principals of ABRV Communications, L.P. providing for total payments of approximately \$58,000,000. The acquisitions were consummated in accordance with purchase agreements between the Registrant and ABRV Communications, L.P. dated August 10, 1993, as amended. The acquisitions are being accounted for as a purchase. Total consideration paid was \$801,795,000. Financing was provided by a senior secured bank loan and cash of approximately \$17,500,000.

Item 7. Financial Statements, Pro Forma Financial Information and Exhibits

(a) and (b) Because it is impracticable to provide the required financial statements and pro forma financial information at the time of filing of this report on Form 8-K, such statements and information will be filed under cover of Form 8 as soon as practicable but no later than 60 days after this report on Form 8-K must be filed.

**SIGNATURES**

Pursuant to the requirements of the Securities Act of 1934, the Registrant has duly caused this report to be signed on its behalf by the undersigned hereunto duly authorized.

**SINCLAIR BROADCAST GROUP, INC.**  
(Registrant)

Date: 7/94

By: 

David D. Smith,  
President